



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Joseph A. Zupanick
Serial No. : 10/630,345
Filed : July 29, 2003
Title : METHOD AND SYSTEM FOR ACCESSING SUBTERRANEAN DEPOSITS
FROM THE SURFACE AND TOOLS THEREFOR

Art Unit : 3673
Examiner : John J. Kreck

MAIL STOP PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO EXPUNGE MATERIALS CONTAINING
PROPRIETARY INFORMATION UNDER MPEP § 724

Petitioners are submitting herewith a request for consideration of materials containing proprietary information pursuant to MPEP § 724. If after review of these materials by the Examiner, they are found not to be important to a reasonable Examiner in deciding whether to allow the application to issue as a patent, Petitioners hereby petition to expunge the materials pursuant to MPEP § 724.05.

The proprietary information is proprietary and includes information referenced in filings in CNX Gas Corporation and CNX Gas Company LLC vs. CDX Gas, LLC, Civil Action No. 05-1574 in the Western District of Pennsylvania, and designated for protection under a protective order in this case. The proprietary information is dispersed in the materials. The proprietary information has not otherwise been made public. Petitioners commit to retain the proprietary material for the period of any patent with regard to which the proprietary information is being submitted. This Petition to Expunge is being submitted on behalf of the party in interest who originally submitted the information.

Please apply all charges or credits to Deposit Account No. 06-1050.

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EV959834596US, EV959834582US and
EV959834579US

January 18, 2008

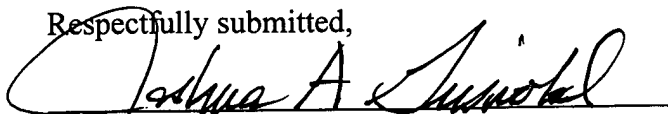
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Filed : July 29, 2003
Page : 2 of 2

Attorney's Docket No.: 17601-043001 / 067083.0205

Date: January 18, 2008

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joshua A. Griswold", written over a horizontal line.

Joshua A. Griswold

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Conf. No. : 9309

MAIL STOP PETITIONS

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SUBMISSION OF PROPRIETARY INFORMATION UNDER MPEP § 724

Applicant hereby submits materials containing proprietary information for consideration in accordance with MPEP § 724. The materials relate to a suit involving patents to which the above-mentioned application claims priority. Specifically, the suit is CNX Gas Corporation and CNX Gas Company LLC vs. CDX Gas, LLC, Civil Action No. 05-1574 in the Western District of Pennsylvania, and concerns U.S. Patent Nos. 6,357,523; 6,561,288; 6,604,580; 6,679,322; 6,964,298; and 6,976,533. Other materials from this suit that do not contain proprietary information are being filed together with an Information Disclosure Statement.

The submitted materials include the parties' filings relating to summary judgment on infringement, willfulness, validity and enforceability of the patents in suit. Proprietary information is dispersed in the submitted materials.

The information was designated for protection under the protective order entered in the case. The protective order explicitly prohibits a receiving party from using information designated under the protective order (e.g. information designated "Confidential Information" or "Confidential Attorneys Eyes Only Information") in prosecuting any patent application. Despite Applicant's attorney's request, counsel for the opposing parties would not agree to de-designate information they had designated under the protective order to enable its disclosure to the Office. Therefore, information designated by the opposing parties' counsel under the protective order

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has been redacted where appropriate. To be clear, notwithstanding the redactions, the materials submitted herewith do still contain proprietary information.

As noted above, other non-proprietary information is being submitted in connection with an Information Disclosure Statement. To the extent the Examiner identifies or otherwise believes there is any additional information that may be material to patentability of one or more of the claims of the present application, the Examiner is encouraged to contact the attorneys for Applicant to request such information.

Finally, Applicant appreciates the volume of the materials submitted herewith, and hereby offers to visit the Patent Office in person in order to facilitate the Examiner's review and answer any questions.

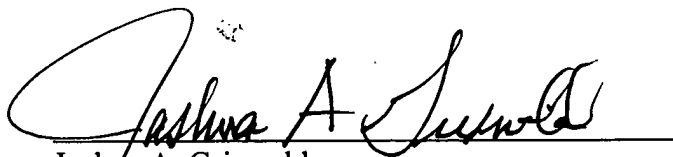
Note, by referring to the information submitted herewith as "proprietary" information in accordance with MPEP § 724, Applicant is not admitting that the information does not also qualify as a trade secret.

Applicant has also submitted herewith a Petition to Expunge Materials Containing Proprietary Information under 37 CFR §1.59 with required fee (\$200). After reviewing the materials submitted herewith, Applicants request the Office act on the Petition.

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Respectfully submitted,

Date: January 18, 2008


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